

## **Remarks/Arguments**

### **A. Request for Reconsideration**

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action, but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on amendments to the specification, amendments to the claims and the following remarks.

### **B. Specification**

The disclosure had been objected to for the following informalities: (a) line 2 of page 11 should be changed back to "coupling point 22" and (b) line 24 of page 11 should be changed to "articulation point 27."

The specification has been amended as requested.

### **C. Claim Status and Comments**

Claims 1-4 and 6-25 are pending. Claims 1, 2, 7 and 15-18 have been amended. Details of the amendments will be discussed below.

### **D. Claim Objections**

Claim 15 had been objected to because the preamble of the claim does not indicate what claim the claim depends from.

Claim 15 has been amended and is dependent on claim 1.

E. Claim Rejections – 35 U.S.C. §112

Claims 1, 3, 4, 6-10, 12-17, 24 and 25 had been rejected under 35 U.S.C. § 112, second paragraph as being indefinite for the following reasons:

Claim 1 recites “a spring means” in line 3 and lines 7-8 and “the spring means” in lines 8-9 of the claim and it is unclear if the elements are the same or different.

Claim 1 has been amended so the limitation “a spring means” in lines 7-8 now reads “the spring means.” All of the elements are the same.

Claim 1 recites “a clamping device” in line 1 and lines 6-7 of the claim and it is unclear if the elements are the same or different.

Claim 1 has been amended so the limitation “a clamping device” in lines 6-7 now reads “the clamping device.” All of the elements are the same.

In claim 7 limitation “the clamping lever” in lines 1-2 lacks antecedent basis.

Claim 7 has been amended and now reads “the actuating lever.” Proper antecedent basis is provided.

In claim 16, the limitation “the articulation point” and “the offset” in line 2 and “the pivot” in line 3 lack antecedent basis.

Claim 16 has been amended to provide proper antecedent basis for the limitations.

Also, claim 16 recites “an angle of inclination which influences the offset...” The Examiner stated it is not clear how the geometry of an angle influences the offset between the spring articulation point and the pivot of the actuating lever.

As clearly shown in Figure 1, as the articulation lever rotates, the offset (S1) becomes greater and when the articulation lever is orientated such that the articulation point and the pivot are in line with each other, there is no offset.

In claim 17, the limitation “the rotational axis” in line 2 and “the articulation point” in line 3 lack antecedent basis.

Claim 17 has been amended to provide proper antecedent basis for the limitations.

F. Claim Rejections – 35 U.S.C. § 102

Claims 1, 3, 4, 6-10, 12, 13 and 15-25 had been rejected as being anticipated by Bogner, *et. al.* (DE 10146612).

Claim 1 has been amend to further define the features of the claimed invention. Applicant respectfully disagrees with the Examiner that Bogner anticipates claim 1 of the claimed invention.

Bogner does not disclose a pivotable triangular roller lever which is supported on the spring means at an articulation point and on which the roller is positioned, the roller lever having a rotational axis at which the roller lever rotates in a counterclockwise manner. The object referred to by the Examiner as the roller lever in Bogner is not triangular.

Additionally, unlike the claimed invention, Bogner does not disclose an actuating lever, which is a single component, that has two support faces, that are at an angle of less than 180° with respect to one another and that interact with a plurality of reference faces on a housing. The Examiner uses at least two components to define an articulation lever. Moreover, it is clear from Figure 5 of Bogner that the support faces are not at an angle of less than 180° with respect to one another.

Applicants note that the Examiner of the previous Office Action dated July 9, 2008 acknowledged this fact, stating “...Bogner, et al....fails to teach an actuating lever

with two support faces which are at an angle with respect to one another and which, in conjunction with reference faces of a housing of the internal combustion engine, ensure defined end positions of the actuating lever.” Applicants also note that in the current Office Action, the Examiner has made contradictory statements. On page 4, the Examiner stated that “the support faces (33) [of Bogner] are pivotable with respect to the reference faces.” However, on page 10, the Examiner stated that “Bogner, et al. fails to teach...an actuating lever having support faces that are pivotable with respect to reference faces...” Thus, Applicant respectfully requests the Examiner withdraw this rejection in view of the discussion above and prior acknowledgement by the Examiner of the lack of limitations by Bogner.

Finally, the claimed invention discloses the roller lever located at one end of the spring means and the actuating lever located at the other end of the spring means. Bogner does not disclose such a configuration. The components are not fixed at each end of the spring means. Thus, the claimed invention is further distinguishable from Bogner.

Similar to claim 1, claim 18 is patentable over Bogner. Bogner does not disclose an actuating lever, which is a single component with two non-parallel support faces. The Examiner uses at least two components to define an articulation lever in Bogner. Therefore, claim 18 is distinguishable from and patentable over Bogner.

Since independent claims 1 and 18 are patentable over Bogner, claims 3, 4, 6-10, 12, 13, 15-17 and 19-25, which ultimately depend upon claim 1 or 18 are also patentable over Bogner.

G. Claim Rejections – 35 U.S.C. § 103

Claims 2 and 11 had been rejected as being unpatentable over Bogner, *et al.* (DE 10146612) in view of Bonkowski, *et al.* (DE 10057818).

In regards to claim 2, the Examiner notes Bogner fails to teach the spring means being connected at the other end to the starter generator and an actuating lever having support faces that are pivotable with respect to reference faces on a housing. The Examiner turns to Bonkowski, stating Bonkowski teaches a traction mechanism drive for a starter generator having spring means (10) being connected at the other end to the starter generator (2). However, the Examiner never cites a reference which discloses an actuating lever having support faces that are pivotable with respect to reference faces on a housing as taught in claim 2. As presented in claim 2, the claimed invention is distinguishable from and patentable over Bogner in view of Bonkowski.

Claim 11 is dependent upon claim 2, which is patentable over Bogner in view of Bonkowski. Therefore, claim 11 is also patentable over Bogner in view of Bonkowski.

Claim 14 had been rejected as being unpatentable over Bogner, *et al.* (DE 10146612).

Claim 14 is dependent upon claim 1, which as discussed above is patentable over Bogner. Therefore, since claim 14 depends upon claim 1 and claim 1 is patentable over Bogner, claim 14 is also patentable over Bogner.

H. Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account Number 02-2275.

Respectfully submitted,

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